

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1331

To amend the Watershed Protection and Flood Prevention Act to establish a Waterways Restoration Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 1995

Ms. FURSE (for herself, Mr. HASTINGS of Florida, Mr. MANTON, Mr. RICHARDSON, Mr. BEILENSEN, Mr. YATES, Mr. WYDEN, Mr. DICKS, Mr. DEFazio, Ms. WOOLSEY, Mr. VENTO, Ms. NORTON, Ms. MCKINNEY, Mr. HINCHEY, Mr. MORAN, Mr. SANDERS, Mr. STUDDS, Mr. BARRETT of Wisconsin, Mr. PORTER, Ms. ESHOO, Mr. EVANS, Ms. VELÁZQUEZ, Mr. MILLER of California, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. GILCHREST, Mr. FROST, Mr. BRYANT of Texas, Ms. RIVERS, Mr. CONYERS, Mr. MARKEY, Ms. SLAUGHTER, Mr. ENGLISH of Pennsylvania, Mr. DELLUMS, Mr. TRAFICANT, Ms. PELOSI, Mr. GIBBONS, Mr. WISE, Mrs. MEEK of Florida, Mr. RUSH, Ms. LOFGREN, Mr. JACOBS, Mr. TAYLOR of Mississippi, Mr. BROWN of California, Mrs. MORELLA, Mr. ROSE, Mr. RANGEL, Mrs. LOWEY, Mr. McDERMOTT, Mr. OLVER, Mr. FARR, Mr. PALLONE, Mr. THOMPSON, and Mr. CLYBURN) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee

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## A BILL

To amend the Watershed Protection and Flood Prevention Act to establish a Waterways Restoration Program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Waterways Restoration  
3 Act of 1995”.

4 **SEC. 2. FINDINGS AND POLICY.**

5       (a) FINDINGS.—Congress finds that—

6           (1) restoring degraded streams, rivers, and  
7 other waterways to their natural state is a cost ef-  
8 fective means to control flooding, excessive erosion,  
9 sedimentation, and nonpoint pollution, including  
10 stormwater runoff;

11           (2) protecting and restoring watersheds pro-  
12 vides critical ecological benefits by restoring and  
13 maintaining biodiversity, providing fish and wildlife  
14 habitat, filtering pollutants, and performing other  
15 important ecological functions;

16           (3) waterway restoration and protection  
17 projects can provide important economic and edu-  
18 cational benefits by rejuvenating waterfront areas,  
19 providing recreational opportunities such as green-  
20 ways, and creating community service jobs and job  
21 training opportunities in waterway restoration for  
22 disadvantaged youth, displaced resource harvesters,  
23 and other unemployed residents;

24           (4) restoring waterways helps to increase the  
25 fishing potential of waterways and restore dimin-

1       ished fisheries, which are important to local and re-  
2       gional cultures and economies; and

3               (5) low income and minority communities fre-  
4       quently experience disproportionately severe deg-  
5       radation of the waterways in their communities but  
6       historically have had difficulty in meeting eligibility  
7       requirements for Federal watershed projects under  
8       the Watershed Protection and Flood Prevention Act  
9       due to Federal policy obstacles such as local cost  
10      share requirements and formulas for assessing costs  
11      and benefits which favor high land values.

12      (b) POLICY.—Therefore, Congress declares it in the  
13      national interest to—

14              (1) protect and restore the chemical, biological,  
15      and physical components of waterways and associ-  
16      ated ecological systems such that their biological and  
17      physical structures, diversity, functions, and dynam-  
18      ics are restored;

19              (2) replace deteriorating stormwater structural  
20      infrastructures and physical waterway alterations  
21      that are ecologically damaging with cost effective,  
22      low maintenance, and ecologically sensitive projects;

23              (3) promote the use of nonstructural means to  
24      manage and convey streamflow, stormwater, and  
25      flood waters;

1           (4) increase the involvement of the public and  
2       youth conservation and service corps in the monitor-  
3       ing, inventorying, and restoration of watersheds in  
4       order to improve public education, prevent pollution,  
5       and develop coordinated citizen and governmental  
6       partnerships to restore damaged waterways; and

7           (5) benefit business districts, local economies,  
8       and neighborhoods through the restoration of water-  
9       ways and the development of multiuse greenway cor-  
10      ridors.

11 **SEC. 3. WORKS OF IMPROVEMENT DEFINED.**

12       The second paragraph of section 2 of the Watershed  
13       Protection and Flood Prevention Act (16 U.S.C. 1002; re-  
14       lating to works of improvement) is amended by striking  
15       the following: “Each project must contain benefits directly  
16       related to agriculture, including rural communities, that  
17       account for at least 20 percent of the total benefits of the  
18       project.”.

19 **SEC. 4. WATERWAYS RESTORATION PROGRAM.**

20       The Watershed Protection and Flood Prevention Act  
21       (16 U.S.C. 1001–1008; 1010) is amended by adding at  
22       the end the following:

23 **“SEC. 14. WATERWAYS RESTORATION PROGRAM.**

24       “(a) ESTABLISHMENT.—The Secretary, acting  
25       through the Chief of the Natural Resources Conservation

1 Service, shall establish and implement a Waterways Res-  
2 toration Program in accordance with the requirements of  
3 this section. Under the program, the Secretary shall pro-  
4 vide technical assistance and grants, on a competitive  
5 basis, to eligible entities to assist such entities in carrying  
6 out waterway restoration projects.

7 “(b) PROJECT ELIGIBILITY.—

8 “(1) PROJECT OBJECTIVES.—A project shall be  
9 eligible for assistance under the program if the  
10 project is designed to achieve ecological restoration  
11 or protection and 1 or more of the following objec-  
12 tives:

13 “(A) Flood damage reduction.

14 “(B) Erosion control.

15 “(C) Stormwater management.

16 “(D) Water quality enhancement.

17 “(2) LOCATION OF PROJECTS.—A project may  
18 be carried out under the program on Federal lands  
19 or on State or private lands in any case in which the  
20 State or the private land owner is a sponsor or co-  
21 sponsor of the project.

22 “(3) PROJECT DESCRIPTIONS.—Projects eligible  
23 for assistance under the program shall include  
24 projects for any of the following purposes:

1           “(A) Restoration and monitoring of de-  
2           graded waterways, including revegetation, res-  
3           toration of biological communities, and changes  
4           in land management practices.

5           “(B) Restoration or establishment of wet-  
6           land and riparian environments as part of a  
7           multiobjective stormwater management system  
8           in which the restored or established areas pro-  
9           vide stormwater storage, detention, and reten-  
10          tion; nutrient filtering; wildlife habitat; and in-  
11          creased biological diversity.

12          “(C) Reduction of runoff.

13          “(D) Stream bank restoration using the  
14          principles of biotechnical slope stabilization.

15          “(E) Establishment and acquisition of  
16          multiobjective floodplain riparian and adjacent  
17          floodprone lands, including greenways, for sedi-  
18          ment storage, floodwater storage and convey-  
19          ance, wildlife habitat, and recreation.

20          “(F) Removal of culverts and storm drains  
21          to reestablish natural ecological conditions and  
22          reduce flood damages.

23          “(G) Organization of local watershed coun-  
24          cils in conjunction with the implementation of

1 on-the-ground action education or restoration  
2 projects.

3 “(H) Training of participants, including  
4 youth conservation and service corps program  
5 participants, in restoration techniques in con-  
6 junction with the implementation of on-the-  
7 ground action education or restoration projects.

8 “(I) Development of waterway restoration  
9 or watershed plans which are intended for use  
10 within the grant agreement period to implement  
11 specific restoration projects.

12 “(J) Restoration of any stream channel to  
13 reestablish a meandering, bankfull flow channel,  
14 riparian vegetation, and floodplain in order—

15 “(i) to restore the functions and dy-  
16 namics of a natural stream system to a  
17 previously channelized waterway so that  
18 channel dimensions and floodplain zones  
19 are appropriately sized to the watershed  
20 and its slope, bankfull discharges, and  
21 sediment sizes and transport rates; or

22 “(ii) to convey larger flood flows as an  
23 alternative to a channelization project.

24 “(K) Release of reservoir flows to restore  
25 riparian and instream habitat.

1           “(L) Watershed or wetland projects that  
2           have undergone planning pursuant to other  
3           Federal, State, tribal, or local programs and  
4           laws and have received necessary environmental  
5           review and permits.

6           “(M) Early action projects which a water-  
7           shed council wants to implement prior to the  
8           completion of its required final consensus wa-  
9           tershed plan, if the project is determined to  
10          meet the council’s watershed management ob-  
11          jectives and is useful in fostering citizen in-  
12          volvement in the planning process.

13          “(4) PRIORITY PROJECTS.—Projects which have  
14          the following attributes shall be given priority by  
15          interdisciplinary teams established under this section  
16          in determining funding priorities:

17               “(A) Projects located in or directly benefit-  
18               ing low-income or economically depressed areas  
19               adversely impacted by poor watershed manage-  
20               ment.

21               “(B) Projects that will restore or create  
22               businesses or occupations in the project area,  
23               including development of public access opportu-  
24               nities for waterfront greenways.



1           “(C) Projects providing opportunities for  
2 participants in Federal, State, tribal, and local  
3 youth conservation and service corps and pro-  
4 vide training in waterway restoration, monitor-  
5 ing, and inventory work.

6           “(D) Projects serving communities com-  
7 posed of minorities or Native Americans, in-  
8 cluding the development of outreach programs  
9 to facilitate the participation by such groups in  
10 the program.

11           “(E) Projects identified as regional prior-  
12 ities that have been planned within a regional  
13 context and coordinated with Federal, State,  
14 tribal, and local agencies.

15           “(F) Projects that will restore wildlife or  
16 fisheries of commercial, recreational, subsist-  
17 ence, or scientific concern.

18           “(G) Projects training and employing fish-  
19 ers and other resource harvesters whose liveli-  
20 hoods have been adversely impacted by habitat  
21 degradation.

22           “(H) Projects providing significant im-  
23 provements in ecological values and functions in  
24 the project area.

1           “(I) Projects previously approved under  
2           this Act which meet or are redesigned to meet  
3           the requirements of this section.

4           “(5) COST-BENEFIT ANALYSIS.—A project shall  
5           be eligible for assistance under the program if an  
6           interdisciplinary team established under this section  
7           determines that the local social, economic, ecological,  
8           and community benefits of the project based on local  
9           needs, problems, and conditions equal or exceed the  
10          financial and social costs of the project.

11          “(6) FLOOD DAMAGE REDUCTION.—Projects for  
12          which one of the purposes is to reduce flood dam-  
13          ages shall be designed for the level of risk selected  
14          by the local cosponsors and sponsors to best meet  
15          their needs for reducing flood risks, their ability to  
16          pay project costs, and community objectives to pro-  
17          tect or restore environmental quality.

18          “(7) INELIGIBLE PROJECTS.—Projects involv-  
19          ing channelization, stream bank stabilization using  
20          methods other than biotechnical slope protection  
21          methods, construction of reservoirs, or structures  
22          shall not be eligible for assistance under the pro-  
23          gram unless they are necessary for the reestablish-  
24          ment of the structure, function, and diversity of the  
25          native ecosystem.

1 “(c) PROGRAM ADMINISTRATION.—

2 “(1) DESIGNATION OF PROGRAM ADMINISTRA-  
3 TORS.—The Secretary shall designate a program ad-  
4 ministrator for each State who shall be responsible  
5 for administering the program in the State. Except  
6 as provided by paragraph (2), the Secretary shall  
7 designate the State Conservationist of the Natural  
8 Resources Conservation Service of a State as the  
9 program administrator of the State.

10 “(2) APPROVAL OF STATE AGENCIES.—

11 “(A) IN GENERAL.—A State may submit  
12 to the Secretary an application for designation  
13 of a State agency to serve as the program ad-  
14 ministrator of the State.

15 “(B) CRITERIA.—The Secretary shall ap-  
16 prove an application of a State submitted under  
17 subparagraph (A) if the application meets the  
18 following criteria:

19 “(i) Demonstration of the ability of  
20 the State agency to solicit, select, and fund  
21 projects within a 1-year grant administra-  
22 tion cycle.

23 “(ii) Demonstration of the responsive-  
24 ness of the State agency to the administra-  
25 tive needs and limitations of small non-

1 profit organizations and low income or mi-  
2 nority communities.

3 “(iii) Demonstration of the success of  
4 the State agency in implementing State or  
5 local programs with objectives similar to  
6 the objectives of this section.

7 “(iv) Demonstration of the ability of  
8 the State agency to jointly plan and imple-  
9 ment with Indian Tribes programs with  
10 objectives similar to this section.

11 “(C) REDESIGNATION.—Whenever the Sec-  
12 retary determines, after a public hearing, that  
13 a State agency with an approved application  
14 under this paragraph no longer meets the cri-  
15 teria set forth in subparagraph (B), the Sec-  
16 retary shall so notify the State and, if appro-  
17 priate corrective action has not been taken  
18 within a reasonable time, withdraw the designa-  
19 tion of the State agency as the program admin-  
20 istrator of the State and designate the State  
21 Conservationist of the Natural Resources Con-  
22 servation Service of the State as the program  
23 administrator of the State.

24 “(3) TECHNICAL ASSISTANCE.—The State Con-  
25 servationist of a State shall continue to carry out

1 the technical assistance portion of the program in  
2 the State even if the State receives approval of an  
3 application submitted under subparagraph (A).

4 “(d) GRANT APPLICATION CYCLE.—

5 “(1) IN GENERAL.—Grants under the program  
6 shall be awarded on an annual basis.

7 “(2) GRANT AGREEMENTS.—The program ad-  
8 ministrator of a State may enter into a grant agree-  
9 ment with an eligible entity to permit the entity to  
10 phase-in a project under the program for a period of  
11 not to exceed 3 years; except that any such project  
12 shall remain subject to reevaluation each year as  
13 part of the annual funding cycle.

14 “(e) SELECTION OF PROJECTS.—

15 “(1) APPLICATIONS.—In order to receive assist-  
16 ance to carry out a project under the program in a  
17 State, an eligible entity shall submit to the program  
18 administrator of the State an application which is in  
19 such form and contains such information as the Sec-  
20 retary may by regulation require.

21 “(2) REVIEW OF APPLICATIONS BY INTER-  
22 DISCIPLINARY TEAMS.—

23 “(A) TRANSMITTAL.—Each application for  
24 assistance under the program received by the  
25 program administrator of a State shall be

1 transmitted to the interdisciplinary team of the  
2 State established pursuant to this section.

3 “(B) REVIEW.—On an annual basis, the  
4 interdisciplinary team of each State shall—

5 “(i) review applications transmitted to  
6 the team pursuant to subparagraph (A);

7 “(ii) determine the eligibility of pro-  
8 posed projects for funding under the  
9 program;

10 “(iii) make recommendations concern-  
11 ing funding priorities for such eligible  
12 projects; and

13 “(iv) transmit its findings and rec-  
14 ommendations to the program adminis-  
15 trator of the State.

16 “(C) PROJECT OPPOSITION BY CERTAIN  
17 REPRESENTATIVES.—If 2 or more of the mem-  
18 bers of an interdisciplinary team of a State ap-  
19 pointed pursuant to clause (vii) or (viii) of sub-  
20 section (f)(2)(A) or clause (ii), (iii), or (iv) of  
21 subsection (f)(2)(B) are opposed to a project  
22 which is supported by a majority of the mem-  
23 bers of the interdisciplinary team, a determina-  
24 tion on whether the project may receive assist-  
25 ance under the program shall be made by the

1 Chief of the Natural Resources Conservation  
2 Service. In making a determination under this  
3 subparagraph, the Chief shall consult with the  
4 Administrator of the Environmental Protection  
5 Agency, the Director of the Fish and Wildlife  
6 Service, and, in coastal areas, the Assistant Ad-  
7 ministrator of the National Marine Fisheries  
8 Service. The Secretary shall conduct such mon-  
9 itoring activities as are necessary to ensure the  
10 success and effectiveness of project determina-  
11 tions made pursuant to this subparagraph.

12 “(3) FINAL SELECTION.—The final determina-  
13 tion on whether to provide assistance for a project  
14 under the program shall be made by the program  
15 administrator of the State and shall be based on the  
16 recommendations of the interdisciplinary team of the  
17 State transmitted pursuant to paragraph (2)(B).

18 “(f) APPOINTMENT OF INTERDISCIPLINARY  
19 TEAMS.—

20 “(1) IN GENERAL.—There shall be established  
21 in each State an interdisciplinary team of specialists  
22 to assist in reviewing project applications submitted  
23 under the program.

1           “(2) APPOINTMENT.—The interdisciplinary  
2 team of a State shall be composed of the following  
3 members:

4           “(A) APPOINTEES OF THE PROGRAM AD-  
5 MINISTRATOR.—Individuals to be appointed on  
6 an annual basis by the program administrator  
7 of the State, including at least 1 representative  
8 of each of the following specialties:

9           “(i) Hydrologists.

10          “(ii) Plant ecologists.

11          “(iii) Aquatic biologists.

12          “(iv) Biotechnical slope protection  
13 experts.

14          “(v) Landscape architect or planners.

15          “(vi) Members of the agricultural  
16 community.

17          “(vii) Representatives of the fish and  
18 wildlife agency of the State.

19          “(viii) Representatives of the soil and  
20 water conservation agency of the State.

21          “(B) REPRESENTATIVES OF FEDERAL  
22 AGENCIES.—One representative of each of the  
23 following Federal agencies to be appointed on  
24 an annual basis by the appropriate regional or  
25 State director of the agency:



1 “(i) The Natural Resources Conserva-  
2 tion Service.

3 “(ii) The Environmental Protection  
4 Agency.

5 “(iii) The National Marine Fishery  
6 Service (in coastal States).

7 “(iv) The United States Fish and  
8 Wildlife Service.

9 “(v) The Corps of Engineers.

10 “(3) AFFILIATION OF MEMBERS.—Members ap-  
11 pointed pursuant to paragraph (2)(A) may be em-  
12 ployees of Federal, State, tribal, or local agencies or  
13 non-profit organizations.

14 “(4) FEDERAL ADVISORY COMMITTEE ACT.—  
15 The requirements of sections 9, 10(a)(2), and 14 of  
16 the Federal Advisory Committee Act shall not apply  
17 to an interdisciplinary team established under this  
18 subsection.

19 “(5) NOTICE.—An interdisciplinary team shall  
20 provide adequate public notice before conducting any  
21 meeting under this section, including notification in  
22 the official State journal.

23 “(g) CONDITIONS FOR RECEIVING ASSISTANCE.—

24 “(1) PROJECT SPONSORS AND COSPONSORS.—

1           “(A) REQUIREMENT.—In order to be eligi-  
2           ble for assistance under the program, a project  
3           shall have as project participants both a citizens  
4           organization and a State, regional, tribal, or  
5           local governing body, agency, or district.

6           “(B) PROJECT SPONSOR.—One of the  
7           project participants described in subparagraph  
8           (A) shall be designated as the project sponsor.  
9           The project sponsor shall act as the principal  
10          party making the grant application and have  
11          the primary responsibility for executing the  
12          grant agreement, submitting invoices, and re-  
13          ceiving reimbursements.

14          “(C) PROJECT COSPONSOR.—The other  
15          project participant described in subparagraph  
16          (A) shall be designated as the project cospon-  
17          sor. The project cosponsor shall, jointly with  
18          the project sponsor, support and actively par-  
19          ticipate in the project. There may be more than  
20          1 cosponsor for any project.

21          “(2) USE OF GRANT FUNDS.—Grant funds  
22          made available under the program shall not supplant  
23          other available funds for waterway restoration  
24          projects, including developer fees, mitigation, or  
25          compensation required as a permit condition or as a

1 result of a violation of the Federal Water Pollution  
2 Control Act or any other law.

3 “(3) MAINTENANCE REQUIREMENT.—At least 1  
4 project sponsor or cosponsor shall be designated as  
5 responsible for on-going maintenance of the project.

6 “(h) NON-FEDERAL SHARE.—

7 “(1) IN GENERAL.—Except as provided by  
8 paragraph (2), the non-Federal share of the cost of  
9 a project under this section, including structural and  
10 non-structural features, shall be 25 percent.

11 “(2) ECONOMICALLY DEPRESSED COMMU-  
12 NITIES.—The Secretary may waive all or part of the  
13 non-Federal share of the cost of any project that is  
14 to be carried out under the program in an economi-  
15 cally depressed community.

16 “(3) IN-KIND CONTRIBUTIONS.—Non-Federal  
17 interests may meet any portion of the non-Federal  
18 share of the cost of a project under this section  
19 through in-kind contributions, including contribu-  
20 tions of labor, involvement of youth service and con-  
21 servation corps program participants, materials,  
22 equipment, consulting services, and land.

23 “(4) REGULATIONS.—Not later than 1 year  
24 after the date of the enactment of this section, the

1 Secretary shall issue regulations to establish proce-  
2 dures for granting waivers under paragraph (2).

3 “(i) LIMITATIONS ON COSTS OF ADMINISTRATION  
4 AND TECHNICAL ASSISTANCE.—Of the total amount made  
5 available in any fiscal year to carry out this section—

6 “(1) not to exceed 15 percent may be used for  
7 administrative expenses; and

8 “(2) not to exceed 25 percent may be used for  
9 providing technical assistance.

10 “(j) CONSULTATION WITH FEDERAL AGENCIES.—In  
11 establishing and carrying out the program under this sec-  
12 tion, the Secretary shall consult with the heads of appro-  
13 priate Federal departments and agencies, including the  
14 Administrator of the Environmental Protection Agency,  
15 the Assistant Secretary of the Army for Civil Works, the  
16 Director of the United States Fish and Wildlife Service,  
17 the Commissioner of the Bureau of Reclamation, the Di-  
18 rector of the Geological Survey, the Chief of the Forest  
19 Service, the Assistant Administrator for the National Ma-  
20 rine Fishery Service, and the Director of the National  
21 Park Service.

22 “(k) CITIZENS OVERSIGHT COMMITTEE.—

23 “(1) ESTABLISHMENT.—The Governor of each  
24 State shall establish a citizens oversight committee  
25 to evaluate management of the program in the

1 State. The membership of a citizens oversight com-  
2 mittee shall represent a diversity of regions, cul-  
3 tures, and watershed management interests.

4 “(2) COMPONENTS TO BE EVALUATED.—Pro-  
5 gram components to be evaluated by a citizens over-  
6 sight committee established under paragraph (1) are  
7 as follows:

8 “(A) Program outreach, accessibility, and  
9 service to low income and minority ethnic com-  
10 munities and displaced resource harvesters.

11 “(B) The manageability of grant applica-  
12 tion procedures, contracting transactions, and  
13 invoicing for disbursement for small nonprofit  
14 organizations.

15 “(C) The success of the program in sup-  
16 porting the range of the program objectives, in-  
17 cluding evaluation of the environmental impacts  
18 of the program as implemented.

19 “(D) The number of jobs created for iden-  
20 tified target groups.

21 “(E) The diversity of job skills fostered for  
22 long-term watershed related employment.

23 “(F) The extent of involvement of youth  
24 conservation and service corps programs.

1           “(3) ANNUAL REPORT.—The program adminis-  
2           trator of each State shall issue an annual report  
3           summarizing the program evaluation under para-  
4           graph (1). Such report shall be signed by each mem-  
5           ber of the citizens oversight committee of the State  
6           and shall be submitted to the Secretary.

7           “(4) FEDERAL ADVISORY COMMITTEE ACT.—  
8           The requirements of sections 9, 10(a)(2), 10(e),  
9           10(f), and 14 of the Federal Advisory Committee  
10          Act shall not apply to a citizens oversight committee  
11          established under this subsection.

12          “(5) NOTICE.—A citizens oversight committee  
13          shall provide adequate public notice before conduct-  
14          ing any meeting under this section, including notifi-  
15          cation in the official State journal.

16          “(l) DEFINITIONS.—For the purposes of this section,  
17          the following definitions apply:

18               “(1) BIOTECHNICAL SLOPE PROTECTION.—The  
19               term ‘biotechnical slope protection’ means the use of  
20               live and dead plant material, alone or in conjunction  
21               with inert materials, to repair and fortify watershed  
22               slopes, roadcuts, stream banks, and other sites vul-  
23               nerable to excessive erosion, using such systems as  
24               brush piling, brush layering, brush matting, fascines,

1 joint plantings, live stakes, seeding, stem cuttings,  
2 and pole cuttings.

3 “(2) CHANNELIZATION.—The term ‘channeliza-  
4 tion’ means removing the meanders and vegetation  
5 from rivers and streams for purposes of accelerating  
6 storm flow velocities, filling habitat to accommodate  
7 land development and existing structures, and sta-  
8 bilizing banks with concrete or riprap.

9 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-  
10 tity’ means—

11 “(A) any tribal or local government, flood  
12 control district, water district, conservation dis-  
13 trict (as defined by section 1201(a)(2) of the  
14 Food Security Act of 1985 (16 U.S.C.  
15 3801(a)(2)), agricultural extension 4-H pro-  
16 gram, nonprofit organization, or watershed  
17 council; and

18 “(B) any unincorporated neighborhood or-  
19 ganization, watershed council, or small citizen  
20 nongovernmental or nonprofessional organiza-  
21 tion for which an incorporated nonprofit organi-  
22 zation acts as a fiscal agent.

23 “(4) FISCAL AGENT.—The term ‘fiscal agent’  
24 means an incorporated nonprofit organization that—

1           “(A) acts as a legal entity which can ac-  
2           cept government or private funds and pass  
3           them onto an unincorporated community, cul-  
4           tural, or neighborhood organization; and

5           “(B) has entered into a written agreement  
6           with such an unincorporated organization that  
7           specifies the funding, program, and working ar-  
8           rangements for carrying out a project under the  
9           program.

10          “(5) GREENWAY.—The term ‘greenway’ means  
11          floodplain, floodprone, or project rights-of-way which  
12          provide flood risk reduction, floodwater conveyance,  
13          fish and wildlife habitat, and ecological benefits, and  
14          which may provide public access, including water-  
15          fronts.

16          “(6) NONPROFIT ORGANIZATION.—The term  
17          ‘nonprofit organization’ means any organization with  
18          tax exempt status under section 501(c)(3) of the In-  
19          ternal Revenue Code of 1986.

20          “(7) PROGRAM.—The term ‘program’ means  
21          the Waterways Restoration Program established by  
22          the Secretary under subsection (a).

23          “(8) SECRETARY.—The term ‘Secretary’ means  
24          the Secretary of Agriculture acting through the



1 Chief of the Natural Resources Conservation  
2 Service.

3 “(9) STRUCTURE.—The term ‘structure’ means  
4 physical project components used to restore native  
5 ecosystems, including rock, wood cribwalls, geotextile  
6 nettings, geogrids, dirt-filled gabions, weirs, gully  
7 check dams, jacks, groins, and fences.

8 “(10) WATERSHED COUNCIL.—The term ‘wa-  
9 tershed council’ means a representative group of  
10 local watershed residents (including the private, pub-  
11 lic, government, and nonprofit sectors) organized to  
12 develop and implement a consensus watershed res-  
13 toration plan that includes restoration, acquisition,  
14 and other activities.

15 “(11) WATERWAY.—The term ‘waterway’  
16 means any natural, degraded, seasonal, or created  
17 wetland on private or public lands, including rivers,  
18 streams, riparian areas, marshes, ponds, bogs,  
19 mudflats, lakes, and estuaries. Such term includes  
20 any natural or humanmade watercourse on public or  
21 private lands which is culverted, channelized, or  
22 vegetatively cleared, including canals, irrigation  
23 ditches, drainage ways, and navigation, industrial,  
24 flood control, and water supply channels.

1           “(12) YOUTH CONSERVATION AND SERVICE  
2           CORPS.—The term ‘youth conservation and service  
3           corps program’ means a full-time, year-round youth  
4           corps program or a full-time summer youth corps  
5           program described in section 122(a)(2) of the Na-  
6           tional and Community Service Act of 1990 (42  
7           U.S.C. 12572(a)(2)).

8           “(m) FUNDING.—

9           “(1) FUNDING PRIORITY.—The Secretary shall  
10          give a priority to waterways restoration projects  
11          under this section in making funding decisions under  
12          this Act.

13          “(2) TRANSFERRED FUNDS.—The Secretary  
14          may accept transfers of funds from other Federal  
15          departments and agencies in order to carry out the  
16          objectives of this section.

17          “(3) APPLICABILITY OF REQUIREMENTS.—  
18          Funds made available to carry out this section, and  
19          financial assistance provided with such funds, shall  
20          not be subject to any requirements of this Act other  
21          than the requirements of this section.”.

○

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